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MT LEGISLATIVE HISTORY

Chapter 330 1989

Bill (H) 308 S _____ Original bill & hist. ___C

H. Committee on Human Services & Aging

Hearing Date(s) Feb 01 ✓C
Feb 03 ✓C
_____ ___C
_____ ___C

Date Out Feb 04 ✓C

S. Committee on Public Health, Welfare & Safety

Hearing Date(s) Mar 03 ✓C
Mar 06 ✓C
_____ ___C
_____ ___C

Mar 06 ✓C

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

0.

Recommendation and Vote: Senator Himsl moved that HOUSE BILL 225 BE CONCURRED IN AS AMENDED. Senators in favor, 4; opposed, 0.

HEARING ON HOUSE BILL 308

Presentation and Opening Statement by Sponsor: Carolyn Squires, Representative from House District #58, advised that in the 1985 legislature it was provided that the state enabling legislation implement a program of independent living for persons with severe disabilities. Included in that legislation was a provision for state licensing of community homes for persons with these severe disabilities. The amendments being presented help to comform the language in the state legislation with the most recent federal amendments in the Rehabilitation Act. It also moves licensing authority and responsibility for community homes to the Department of Family Services, an action that was inadvertently omitted in the 1987 amendments to the state law. It also includes all the funding sources available within the independent living section of the Rehabilitation Act so that the state is given the opportunity to apply for those funds. The state legislation has no fiscal note attached since the Department is asking for no new dollars. She provided information regarding some of the services provided by this bill. Areas dramatically affected by this are Great Falls, Helena, Missoula and Billings. She urged a favorable recommendation from the committee.

List of Testifying Proponents and What Group they Represent:

Margaret Bullock, Administrator, Social and Rehabilitation Services
Leslie Taylor, Department of Family Services

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Maggie Bullock requested that the committee favorably consider the amendments that are proposed. She believes this is necessary because the federal enabling legislation continues to change very rapidly. The last time the regulations were updated for the federal law was in 1987 after the adjournment of the 1987 session

of the legislature. She stated they are asking for these amendments in order to conform the language of the state bill to the language of the federal legislation. The proposed amendments do the confirmation as well as eliminate reference to only the one funding source so that there is an opportunity to apply for other dollars that become available. The other thing the bill does is transfer authority for the licensing to the Department of Family Services.

Leslie Taylor, representing the Department of Family Services, stated the Department supports HB 308. The transfer of licensing authority is really more of a "clean-up" since they currently license the homes, and did when they were part of SRS. Last session the functions of SRS were transferred to the Department of Family Services, and the licensing procedure was inadvertently left out. It will represent no change in the current practice. She asked for favorable consideration of the bill.

Questions From Committee Members:

Senator Himsl stated there could be some concern about "community homes", which he believed originally were considered to be family-oriented residences, and he noted they were now referred to as "facility licensed by Department of Family Services". He wondered if that changed the domicile requirement for community homes. Ms. Bullock responded by stating that terminology was deleted because of the licensing definition. She stated the homes are still family-oriented type homes, and must be that type under the licensing standards.

Senator Hager stated that about ten years ago a study was made over the interim on the difficulties that these people encounter in order to obtain a license, and it involved several different departments to get inspected and permitted. He asked if the changes here add to that problem. Ms. Bullock stated that should not happen by giving the licensing jurisdiction to the Family Services and should not create more bureaucratic paper work or add more agency scrutiny.

Senator Hager asked if she could safely say that when they get licensed the only ones they would have to see would be the fire marshal and the Department of Family Services. She stated she believes that is a safe assumption.

Senator Hager advised that there would possibly be an

amendment requested by the Governor's office. Tom Gomez stated that HB 243 relating to support of the independent living projects for persons with severe disabilities was heard in the Senate Labor Committee on March 5, 1989, and at that time an amendment was requested to coordinate that program with this program.

Maggie Bullock stated that her department would have no problem with such an amendment. She stated there are many different funding sources in the Rehab Act.

Senator Hager asked Tom Gomez to check with the Governor's office regarding the above-mentioned amendment.

Closing by Sponsor: Representative Squires stated she believes this is a vital service provided to the community. She stated she has been in the Missoula facilities and has seen the care provided, and is impressed and added they are really homelike situations. She also stated she has no problem with coordination, and urged a favorable recommendation.

DISPOSITION OF HOUSE BILL 308

Discussion: Senator Hager stated they would wait until Tom Gomez had a chance to confer with the Governor's office regarding the amendment before further action be taken.

Amendments and Votes: None

Recommendation and Vote: None

HEARING ON HOUSE BILL 654

Presentation and Opening Statement by Sponsor: Angela Russell, Representative from House District #99, stated she is presenting HB 654 which is an act to require certain liquor-licensed establishments to display a sign on the premises that warns of the effects of drinking alcohol during pregnancy. She stated a Public Health Nurse in her area tried to place a warning sign in some local bars and was prohibited from doing so because there was no state law which would allow that. That incident was the origin of this piece of legislation. She believes this bill is a public information effort about health hazards that may result from the consumption or abuse of alcoholic beverages. She listed adverse effects which are known collectively

ROLL CALL

PUBLIC HEALTH COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3/3/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch	X		
Sen. Himsl	X		
Sen. Norman	X		
Sen. McLane			X
Sen. Pipinich			X

DATE 3/3/89

COMMITTEE ON Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One	
			Support	Oppose
Bob Durkee	MTA Helena	654		X
Karen Londrie MD	Montana Council for Maternal and Child Health	654	✓	
Carl Campbell	S Dept of Health & ES	684		
Tom Hopgood	Health Ins. Assoc of Am	225	✓	
Linda R. Brooks	MT Retail Assoc	684	✓	
Nancy Ippoliti	MT Women's Lobby	684	✓	
Leslie Taylor	Dept of Family Services	308		
Roger Tippy	MT Dental Assoc	225	X	
Margaret Bullock	SRS	308	✓	

(Please leave prepared statement with Secretary)

MINUTES

MONTANA SENATE
51st LEGISLATURE - REGULAR SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE AND SAFETY

Call to Order: By Senator Tom Hager, on March 6, 1989, at 1:00 p.m., Room 410, State Capitol

ROLL CALL

Members Present: Senators Tom Hager, Chairman; Tom Rasmussen, Vice-chairman; J. D. Lynch, Matt Himsl, Bill Norman, Harry H. McLane, Bob Pipinich

Members Excused: None

Members Absent: None

Staff Present: Tom Gomez, Legislative Council
Dorothy Quinn, Committee Secretary

Announcements/Discussion: None

EXECUTIVE ACTION ON HOUSE BILL 308

Senator Hager called for action on House Bill 308: Tom Gomez advised that the first amendment is a simple codification instruction to insure that new sections relating to licensing functions of the Department of Family Services that will be codified in sections of law will also pertain to the duties of the Department of Family Service.

Discussion: None

Recommendation and Vote: Senator McLane made a motion THAT THE FIRST AMENDMENT BE ADOPTED. Senators in favor, 6; opposed, 0.

Senator Hager distributed copies of other amendments requested by the Governor's office, and requested an explanation by Tom Gomez. Mr. Gomez explained that one amendment would authorize the Governor to coordinate and consolidate services that are provided under this bill for community home programs with other programs and services, there being a common feature that all the programs provide similar services to a similar

clientele and are funded under the same federal law which is the Federal Rehabilitation Act of 1973. The amendment also authorizes the Governor to transfer employees' appropriation and spending authority necessary to accomplish the coordination of services that would be provided through this amendment.

Discussion: Senator Norman asked if this authorizes the Governor to transfer funds from one department to another. Tom Gomez stated that this bill would allow the programs to be consolidated and coordinated together using the monies to match in whatever way the monies available from the Federal Rehabilitation Act.

Recommendation and Vote: Senator Rasmussen made the motion that the AMENDMENTS REQUESTED BY THE GOVERNOR'S OFFICE BE ADOPTED. Senators in favor, 6; opposed, 0.

Senator Rasmussen made the motion that HOUSE BILL 308 BE CONCURRED IN AS AMENDED. Senators in favor, 6; opposed, 0. MOTION PASSED UNANIMOUSLY.

Senator Hager turned the Chair over to Senator Rasmussen so that he might introduce Senate Bill 350.

HEARING ON SENATE BILL 350

Presentation and Opening Statement by Sponsor: Senator Tom Hager, Senate District #48, stated that this bill was introduced about February 1, 1989, but it was held back because there had been quite a bit of negotiation on the amendments. The bill, as introduced, would impose a premium tax on health service corporations such as Blue Cross-Blue Shield, impose an additional fee, regulate the investments of health service corporations; standardize annual financial statements by regulating the reserves of health service corporations; and restrict exclusive agency contracts for the management of health service corporations, and provide for freedom of choice in the selection of practitioners. In the negotiations an effort was made to substitute an income tax for the premium tax and to restrict exclusive agency contracts, and freedom of choice provision is now out.

List of Testifying Proponents and What Group they Represent:

Jim Borchardt, State Auditor's Office
John Alkey, Blue Cross-Blue Shield
Tom Hopgood, Health Insurance Association of America

ROLL CALL

PUBLIC HEALTH COMMITTEE

51st LEGISLATIVE SESSION -- 1989 Date 3/6/89

NAME	PRESENT	ABSENT	EXCUSED
Sen. Tom Hager	X		
Sen. Tom Rasmussen	X		
Sen. Lynch			
Sen. Himsl	X		
Sen. Norman	X		
Sen. McLane	X		
Sen. Pipinich	X		

Each day attach to minutes.

HB 308

SENATE STANDING COMMITTEE REPORT

March 6, 1989

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety, having had under consideration HB 308 (third reading copy -- blue), respectfully report that HB 308 be amended and as so amended be concurred in:

Sponsor: Squires (Manning)

1. Page 33, line 10.
Following: line 9
Insert: "NEW SECTION. Section 15. Coordination requirements - consolidation of programs authorized. (1) The governor shall assure that services under Title 53, chapter 19, part 1, are coordinated with programs and services in Title 53, chapter 7, parts 1 through 3, that are administered by the department of social and rehabilitation services with funds provided under the federal Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.), as amended.

(2) The governor may consolidate services under Title 53, chapter 19, part 1, with other programs and services in order to maximize coordination of services as required in subsection (1) and to prevent overlapping and duplication of services within state government.

(3) The governor may transfer employees, appropriations, and spending authority necessary to accomplish the coordination of services as mandated by this section. The authority contained in this subsection is limited to the programs and services described in subsection (1). This subsection supercedes any restrictions on the transfer of employees, appropriations, and spending authority contained in [House Bill No. 100]."
Renumber: subsequent sections

2. Page 33, line 16.
Following: line 15
Insert: "NEW SECTION. Section 17. Codification instruction. [Sections 8 through 12] are intended to be codified as an integral part of Title 53, and the provisions of Title 53 apply to [sections 8 through 12]."
Renumber: subsequent sections

continued

3. Page 33, line 21.
Strike: "16"
Insert: "18"

4. Page 33, line 23.
Strike: "15"
Insert: "17"

AND AS AMENDED BE CONCURRED IN

Signed: _____
Thomas O. Hager, Chairman

SENATE HEALTH & WELFARE
EXHIBIT NO. 1
DATE 3/6/89
BILL NO. HB 308

Amendments to House Bill No. 308
Third Reading Copy

For the Senate Public Health, Welfare, and Safety Committee

Prepared by Tom Gomez, Staff Researcher
March 6, 1989

1. Page 33, line 16.
Following: line 15
Insert: "NEW SECTION. **Section 16. Codification instruction.** [Sections 8 through 12] are intended to be codified as an integral part of Title 53 and the provisions of Title 53 apply to [sections 8 through 12]."
Renumber: subsequent sections

SENATE PUBLIC HEALTH & WELFARE
EXHIBIT NO. #2
DATE 3/6/89
BILL NO. HB308

Amendments to House Bill No. 308
Third Reading Copy

Requested by the Governor
For the Senate Public Health, Welfare and Safety Committee

Prepared by Tom Gomez, Staff Researcher
March 6, 1989

1. Page 33, line 10.
Following: line 9
Insert: "NEW SECTION. Section 15. Coordination requirements -- consolidation of programs authorized. (1) The governor shall assure that services under Title 53, chapter 19, part 1, are coordinated with programs and services in Title 53, chapter 7, parts 1 through 3, that are administered by the department of social and rehabilitation services with funds provided under the federal Rehabilitation Act of 1973 (29 U.S.C. 701, et seq.), as amended.

(2) The governor may consolidate services under Title 53, chapter 19, part 1, with other programs and services in order to maximize coordination of services as required in subsection (1) and to prevent overlapping and duplication of services within state government.

(3) The governor may transfer employees, appropriations, and spending authority necessary to accomplish the coordination of services as mandated by this section. The authority contained in this subsection is limited to the programs and services described in subsection (1). This subsection supercedes any restrictions on the transfer of employees, appropriations, and spending authority contained in [House Bill No. 100]."
Renumber: subsequent sections

2. Page 33, line 21.
Strike: "16"
Insert: "17"

3. Page 33, line 21.
Strike: "15"
Insert: "16"

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 3/6/89 Bill No. 308 Time 1:05

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	-	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	X	

Dorothy Quinn
Secretary

Sen. Tom Hager
Chairman

Motion: Mc Lane Made Motion To Move The 6 - 4 - 3
Amendment
Do Pass 6 - Opposed 0

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 3/6/89 Bill No. 308 Time

NAME	YES	NO
SEN. TOM HAGER	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	-	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	X	

Dorothy Quinn
Secretary

Sen. Tom Hager
Chairman

Motion: Rasmussen moved the Do Pass and requested the Blue Amendment

Do Pass 6-0 approved

1989

ROLL CALL VOTE

SENATE COMMITTEE PUBLIC HEALTH

Date 3/6/89 Bill No. 308 Time

NAME	YES	NO
SEN. TOM HAGER 5	X	
SEN. TOM RASMUSSEN	X	
SEN. LYNCH	—	
SEN. HIMSL	X	
SEN. NORMAN	X	
SEN. McLANE	X	
SEN. PIPINICH	X	

Dorothy Quinn
Secretary

Sen. Tom Hager
Chairman

Motion: Senator Rasmussen That HB 308 BE CONCURRED IN AS AMENDED

Senator Lynch Opposed

1989

services being rendered in regards to physicians that do not have direct contact with patients, i.e., radiologists. Rep. Daily indicated that members of their staff would be responsible for informing the patients.

Rep. Stickney asked Rep. Daily what he would have done had he known that a doctor did not accept medicare assignment and Rep. Daily indicated that he would have done nothing.

Rep. Good asked Rep. Daily about the doctors administering emergency services and Rep. Daily said that family members of the patients are generally informed before service.

Rep. Gould asked Rep. Daily about supplemental insurance and Rep. Daily indicated that most senior citizens could afford to acquire supplemental insurance.

Rep. Boharski asked Rep. Daily how a doctor determined that a patient was on medicare and Rep. Daily indicated that prior to exam the question is generally asked.

Rep. Stickney questioned Rep. Daily about Mont-Share and his opinions of same and Rep. Daily indicated that he did approve.

Closing By Sponsor: Rep. Daily closed on the bill.

HEARING ON HB 308

Presentation and Opening Statement by Sponsor: Rep. Squires stated that this bill was an act to generally revise the laws relating to community programs for persons with severe disabilities; to authorize the state to administer community programs for persons with severe disabilities under any provision of Title VII of the Federal Rehabilitation Act of 1973; to transfer authority for licensing of community homes for persons with severe disabilities from the Department of Social and Rehabilitation Services to the Department of Family Services.

List of Testifying Proponents and What Group They Represent:

Maggie Bullock, Montana Department of Family Services
Lesley Taylor, Montana Department of Family Services

List of Testifying Opponents and What Group They Represent:

None

Testimony:

Maggie Bullock suggested that the committee approve the amendments appearing before them. One of the items in the bill which would conform to the federal language is the reference to people with severe disabilities rather than referring to them as severely disabled persons.

Lesley Taylor supports this bill and said that currently the Department of Family Services licenses the facilities as a part of SRS.

Questions From Committee Members: Rep. Simon asked Ms. Taylor about the term "temporary" and Ms. Taylor stated that in sections 13 and 14. Mary McCue answered the question for Rep. Simon. When a bill is drafted the dates are both inserted, make the changes in both sections, and if the date changes, they both will appear. This does not have anything to do with substance.

Rep. Good asked Ms. Taylor if there was going to be a change and Ms. Taylor indicated that there was not.

Rep. Boharski questioned "reasonable fee" and Ms. Bullock stated that the Department of Health was the licensing authority for the state and so they go into various facilities and they are the appropriate people to license these.

Closing by Sponsor: Rep. Squires closes on the bill.

HEARING ON HB 304

Presentation and Opening Statement By Sponsor: Rep. Hannah stated that this bill was an act to codify authorization for medicaid inpatient psychiatric services; to define "residential treatment facility"; to provide inpatient psychiatric services to persons under 21 years of age in a residential treatment facility; to require a certificate of need for residential treatment facilities. Exhibit 2.

List of Testifying Proponents and What Group They Represent:

Loren Soft, Yellowstone Treatment Center
John Wilkinson, Intermountain Deaconess Home
Dan Yasak, Yellowstone Treatment Center
Pat Melby, Yellowstone Treatment Center
Steve Waldron, Montana Residential Child Care

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date February 1, 1989
3:00 PM

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp			✓
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould	✓		
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

CS-30

VISITORS' REGISTER

HUMAN SERVICES AND AGING COMMITTEE

BILL NO. HB 308 DATE 2/1/89

SPONSOR

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
MARGARET BULLOCK	HELENA SRS	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Recommendation and Vote: A vote was taken to DO PASS AS AMENDED. All voted in favor except Reps. Squires, Nelson, Good, Simon, Knapp.

DISPOSITION OF HB 308

Hearing on HB 395 was February 3, 1989.

Motion: Rep. Squires made a Motion to DO PASS.

Discussion: Mary McCue stated that the codification instruction is in error. Codification on page 32, line 6-9, delete section 16 in its entirety.

Amendments, Discussion, and Votes: Rep. Gould made a Motion to Move the Amendment. A vote was taken and all voted in favor.

Recommendation and Vote: Rep. Gould made a Motion to DO PASS AS AMENDED. A vote was taken and all voted in favor.

DISPOSITION OF HB 395

Hearing on HB 395 was February 3, 1989.

Motion: Rep. Whalen made a Motion to DO PASS. Rep. Gould made a Motion to Move the Amendments.

Discussion: Mary McCue questioned page 6, subsection B, that this language is going to replace both of the sentences. The change in the reference to the Board acting jointly and title adjustment.

Amendments, Discussion, and Votes: A vote was taken on the amendments and all voted in favor.

Motion: Rep. Gould then made a Motion to DO PASS AS AMENDED.

Discussion: Rep. Lee questioned the amendment on page 6, line 19, does this indicate that if a nurse specialist applied for prescriptive authority, the Board cannot turn her down? Should not the Board have the authority over the program. Rep. Whalen stated that the intent of the legislation is not to give any discretion to the Board, if a person is licensed as a nurse specialist, they shall have the authority to do this. The language is appropriate. Rep. Simon stated his agreement, the language to grant that nurse specialists the authority within the area that they are the specialist and not appropriate that they be granted authority in a

DAILY ROLL CALL

HUMAN SERVICES AND AGING COMMITTEE

51st LEGISLATIVE SESSION -- 1989

Date 2-3-89

NAME	PRESENT	ABSENT	EXCUSED
Stella Jean Hansen	✓		
Bill Strizich	✓		
Robert Blotkamp	✓		
Jan Brown	✓		
Lloyd McCormick	✓		
Angela Russell	✓		
Carolyn Squires	✓		
Jessica Stickney	✓		
Timothy Whalen	✓		
William Boharski	✓		
Susan Good	✓		
Budd Gould	✓		
Roger Knapp	✓		
Thomas Lee	✓		
Thomas Nelson	✓		
Bruce Simon	✓		

STANDING COMMITTEE REPORT

February 4, 198[illegible]

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 308 (first reading copy -- white), with statement of intent attached, do pass as amended .

Signed: _____
Stella Jean Hansen, Chairman

And, that such amendments read:

1. Page 32, lines 6 through 9.
Strike: section 16 in its entirety
Renumber: subsequent sections